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SUBJECT: SECURITY COUNCIL HOLDS MEETING ON THE RESPECT FOR  
INTERNATIONAL HUMANITARIAN LAW (IHL)

¶1. Summary. France, President of the Security Council, held a Security Council meeting January 29 to discuss: "Respect for International Humanitarian Law". The French circulated a concept paper prior to the meeting describing their objectives which included an assessment by the Council of measures it has taken to address IHL issues and the results achieved. Representatives from the UN Office for the Coordination of Humanitarian Affairs (OCHA), the UN Office of Legal Affairs (OLA), the Office of the UN High Commissioner for Refugees (UNHCR), the High Commissioner for Human Rights (OHCHR) and the International Committee of the Red Cross (ICRC) made statements, followed by all members of the Council. In her first address to the Council, Ambassador Rice underscored the Obama Administration's commitment to international law as evidenced by the President's early Executive Orders on detention facilities and highlighted situations in which observance of IHL is particularly relevant. End Summary.

¶2. France's Permrep Ripert, warmly welcomed Ambassador Rice and noted that the "United Nations needs the United States as much as the United States needs the United Nations." Focusing on the subject of the meeting, Ripert said that there has been an increase in flagrant violations of IHL by different parties, resulting in unacceptable suffering. He added that civilians have been targeted, used as human shields and subjected to disproportionate use of force. Providing a bit of a history on IHL, Ripert said that over the years, the Security Council has held thematic debates, focused on "children and armed conflict" and established international criminal tribunals in order to fight impunity. Nonetheless, he said that these measures have not been sufficient to curb violations of international humanitarian law and emphasized that the Security Council must act to promote compliance. Ripert said that this was the first debate with a view toward the Security Council making further efforts during this 60th anniversary year of the adoption of the Geneva Conventions.

¶3. Ambassador Rice noted President Obama's actions during his first week in office in support of IHL such as the Executive Orders he signed to close the Guantanamo detention facility within one year and to order closure of all CIA detention facilities. Several members of the Council and Member States observing the meeting (Burkina Faso, Egypt, France, Germany, Norway, Portugal, Slovakia, Switzerland, U.K.) commented privately after the meeting that they were impressed with and encouraged by the U.S. statement. The full text of Ambassador Rice's statement can be found on USUN's website:  
[www.usunnewyork.usmission.gov/press\\_releases/20090129\\_020.html](http://www.usunnewyork.usmission.gov/press_releases/20090129_020.html).

¶4. Subsequent statements by Council Members followed the same trends presented by Ripert and several indicated they had recently addressed the issue of IHL in the Council's debate on Civilians in Armed Conflict. Nearly all mentioned the problems in Gaza and the need for the international community to react quickly to open border crossings there and

to provide access for humanitarian aid. Many speakers thanked the ICRC for all that it does as the guardian of IHL.

The Russian Federation said that in regard to violations of IHL, the Security Council must refrain from selective approaches or "political protectionism". Some states referred to the "Responsibility to Protect" and the need to address situations where a government fails in its responsibility to its people. Libya indicated that although the U.S. creation of the Guantanamo detention facility was a big mistake, it is grateful to President Obama for his recent action to close the facility. The Vietnamese also applauded this development. Another recurring theme was the possibility of resorting to the International Criminal Court to prosecute violators of IHL.

15. Although the other representatives of organizations who spoke made general statements, UN Legal Counsel Patricia O'Brien made a concrete proposal. She suggested that the Security Council consider establishing a protected status for all United Nations premises as IHL has not recognized them as such. The value, O'Brien said, in protecting UN premises is that many people consider them "safe havens" and significant casualties have occurred as a result. Comment: It was not clear what role the Legal Counsel envisions the SC would play in moving this idea forward. O'Brien also said that the meeting's broad discussion of IHL should not be limited to the Security Council. Her proposal may be an issue for the wider membership to consider. End Comment.

Rice